



Entered on Docket
October 17, 2011

Hon. Mike K. Nakagawa
United States Bankruptcy Judge

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*Attorneys for Creditor
Branch Banking and Trust Company
successor in interest to FDIC as receiver
of Colonial Bank N.A.*

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

R & S ST. ROSE LENDERS, LLC

Debtor.

CASE NO.: 11-14973-mkn
CHAPTER 11

Date: October 5, 2011
Time: 9:30 a.m.

**ORDER GRANTING BRANCH BANKING AND TRUST COMPANY'S MOTION TO
MODIFY AUTOMATIC STAY TO ALLOW STATE COURT APPEAL TO PROCEED**

Branch Banking and Trust Company's Motion to Modify Automatic Stay to Allow State Court Appeal to Proceed having regularly come before the Court on October 5, 2011 at 9:30 a.m., Joseph Kistler of Hutchison & Steffen appearing on behalf of Branch Banking Trust

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1 Company ("BB&T") and Zachariah Larsen and special counsel Samuel Schwartz appearing for
2 the Debtor; proper service having been completed; the Court having considered the pleadings
3 and papers on file, and upon hearing oral argument enters the following Order:

4 ORDER

5 IT IS HEREBY ORDERED that the automatic stay is modified to allow BB&T to
6 proceed with its appeal before the Nevada Supreme Court involving the Debtor.

7 IT IS FURTHER ORDERED that following resolution of the appeal by the Nevada
8 Supreme Court, the parties shall report back to this Court to determine if further proceedings
9 are necessary in the State Court or in this Court.

10 Dated October 12, 2011.

11 HUTCHISON & STEFFEN, LLC

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Local Rule 9021 Certification

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

☐ The court has waived the requirement set forth in LR 9021(b)(1).

☐ No party appeared at the hearing or filed an objection to the motion.

☒ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: Samuel Schwartz, Esq. - approved; Zachariah Larson, Esq. - no response

Unrepresented parties appearing: None

Trustee: No Appearance at Hearing

☐ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order


Counsel for Movant

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